

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

97-CR-0074-C-07

TERRY SINCLAIR,

Defendant.

A hearing on the revocation of Terry Sinclair's supervised release was held in this case on October 10, 2007, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney John Vaudreuil. Defendant was present in person and by counsel, Patrick Stangl. Also present was United States Probation Officer Veronica Puccio.

From the record, I make the following findings of fact.

FACTS

Defendant was sentenced here on March 24, 1998, following his conviction for conspiracy to distribute cocaine base, which is a Class A felony, in violation of 21 U.S.C. § 846. He was sentenced to 94 months. On July 30, 2004, he began his term of supervised

release.

Defendant violated his mandatory condition of supervised release restricting him from committing another federal, state or local crime, when he delivered cocaine base on four separate occasions in early 2007. He was arraigned for this offense on April 12, 2007. On August 23, 2007, defendant was sentenced to 2 ½ years imprisonment to be followed by three years' extended supervision.

Defendant's original conviction was a Class A felony. If his term of supervised release is revoked, he could face a statutory term of imprisonment of not more than five years. A Grade A violation and a criminal history category of III produces an advisory sentencing guideline range of 30 to 37 months.

CONCLUSIONS

Defendant's violation requires revocation. His violation includes the same behavior that led to his 1998 conviction in this court. Accordingly, the five-year term of supervised release imposed on defendant on March 24, 1998, will be revoked.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on March 24, 1998, is REVOKED and defendant is committed to the custody of the Bureau

of Prisons for a term of 30 months with no supervision to follow. This sentence is ordered to run consecutively to the sentence imposed in the Circuit Court for Rock County in case no. 07-CF-1130.

Defendant does not have the financial means or earning capacity to pay the cost of incarceration.

Entered this 10th day of October, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge